

REMARKS

In the Office Action, the Examiner indicated that claims 1 through 19 are pending in the application. The Examiner allowed claims 7-11 and 19, objected to claims 5 and 18, and rejected claims 1-4, 6, and 12-17.

Claim Objections

On page 13 of the Office Action, the Examiner objected to claims 5 and 18 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for the indication of allowability. In view of the arguments submitted herein, applicant chooses not to rewrite the claims as suggested by the Examiner at this time.

Rejection of Claims under 35 U.S.C. §103(a)

On page 2 of the Office Action, the Examiner rejected claims 1-4 and 6 under 35 U.S.C. §103(a) as being unpatentable over Walter in view of U.S. Patent No. 6,731,196 to Ruediger and further in view of U.S. Patent No. 6,460,386 to Watanuki et al. On page 8 of the Office Action, the Examiner rejected claims 12-13 under 35 U.S.C. §103(a) as being unpatentable over Walter in view of U.S. Patent No. 6,034,617 to Luebke et al. and further in view of Watanuki. On page 10 of the Office Action, the Examiner rejected claims 15-17 under 35 U.S.C. §103(a) as being unpatentable over Walter in view of Watanuki. Applicant

notes that, while in the rejection summary the Examiner has indicated that claim 14 has been rejected, claim 14 was cancelled by amendment in the previous reply.

The Present Invention

The present invention is a security system that includes a mechanical key for mechanically opening and closing a lock, as well as means for electronically opening and closing the lock. A portable device has a wireless communication function and includes a key retainer for retaining the mechanical key. The mechanical key of the present invention can be an emergency key used in an emergency state, such as when the battery of the portable device is depleted. As shown in, for example, Figures 2, 3, and 7, when not in use the mechanical key is hidden within the portable device. Thus, a person carrying the portable device cannot easily recognize at a glance whether or not the mechanical key is retained in the portable device. In accordance with the present invention, the portable device is configured with means for sensing the presence, or lack thereof, of the mechanical key hidden within the portable device, and means for notifying a possessor of the portable device as to the inserted or non-inserted status of the mechanical key within the key retainer.

U.S. Patent No. 6,275,141 to Walter

U.S. Patent No. 6,275,141 to Walter ("Walter") teaches a system for restricting access to certain components of a vehicle. The system includes a remote control 102 and a mechanism for causing the remote control to generate signals sent to a processor. The mechanism can include a

connector 104, removably connected to the remote control 102. The remote control 102 can generate an appropriate signal when the connector 104 is removed and when it is reconnected. In the figures, a mechanical key 108 is shown which can be connected to connector 104. The mechanical key 108 is not hidden from view when connector 104 is retained in a receptacle 136 that links the mechanical key 108 and the remote control 102 to each other. Thus, it is visibly apparent to a user of the device when the mechanical key 108 is disconnected from or connected to the connector 104. Further, a signal will be generated to the processor indicating that the connector 104 is retained in receptacle 136, even if no key is attached to connector 104.

U.S. Patent No. 6,731,196 to Ruediger

U.S. Patent No. 6,731,196 to Ruediger (“Ruediger”) teaches a vehicle safety device that includes a vehicle-mounted transceiver for transmitting an inquiry or “challenge” code to an operator-carried transponder which processes the challenge code according to a secret algorithm, and transmits a response code to the vehicle. There is no disclosure in Ruediger of a mechanical key, nor of a key retainer for retaining the mechanical key.

U.S. Patent No. 6,460,386 to Watanuki et al.

U.S. Patent No. 6,460,386 to Watanuki et al. (“Watanuki”) teaches a mechanical key 17 having a key plate 17a and a key head 18. The mechanical key is inserted into a mechanical key storing part 15 such that the key plate 17a of the key is hidden from view, while the key head 18 is deliberately exposed, allowing it to be seen by a user. An additional benefit of the exposed key

head 18 is that a bridging part 19 of the key forms a holder linking hole 20 that allows the attachment of a key holder HL or other elements.

U.S. Patent No. 6,034,617 to Luebke

U.S. Patent No. 6,034,617 to Luebke ("Luebke") teaches an operator intent-based passive keyless vehicle control system which is employed to gain entry to a vehicle. A remote control, carried by a driver, periodically transmits a command signal whenever the remote control is moving. Luebke has no disclosure of a mechanical key nor of a key retainer for retaining a mechanical key.

The Examiner has not Established a *prima facie* Case of Obviousness

As set forth in the MPEP:

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the reference or to combine reference teachings.

MPEP 2143

As presently claimed, the present invention includes a mechanical key, and a portable device having a wireless communication function, that includes a key retainer for retaining the mechanical key, such that when the key retainer retains the mechanical key, the mechanical key is hidden in the portable device. Further, the present invention includes a means for notifying a

person possessing the portable device that the mechanical key is not retained in the portable device.

In each rejection of the claims, the examiner cites Walter as teaching a key retainer for retaining a mechanical key and means for notifying a person possessing the portable device that the mechanical key is not retained in the key retainer. This is a misconstruction of the teachings of Walter. Walter does not teach or suggest a mechanical key that is inserted and hidden within a portable device. In addition, Walter senses whether or not the connector 104 (see Figure 2 of Walter) is inserted within the remote control 102, but contains no means for sensing whether or not mechanical key 108 of Figure 2 is actually on or off the keyring 106. Thus, a user could have connector 104 inserted into remote control 102, without any key 108 being included on keyring 106. If, as suggested by the Examiner, the user were to rely on the vehicle mode as indicated by the LED's to identify the presence or lack of presence of a mechanical key, the LED's would indicate the presence of the connector 104 in the remote, even though no mechanical key was available for the user, and the user would believe a mechanical key was present when it was not.

Applicant believes that the references cannot be combined to arrive at the applicant's invention since none of the references disclose or suggest the problem to be solved by the applicant's invention described at paragraphs bridging pages 1 and 2 of the specification.

The addition of Ruediger does not teach or suggest a mechanical key, nor a key retainer for retaining a mechanical key. Watanuki, while disclosing a mechanical key, does not teach a mechanical key that is hidden in the portable device. More specifically, the key head 18 of

Watanuki is deliberately exposed, i.e., it is not hidden and could not function as intended if it were hidden.

Applicant notes that in addition to the above, even if motivation existed to combine the references as suggested by the Examiner, the problem solved by the applicant's invention, as described on page 1, line 31 through page 2, line 9 of the application, could not be achieved. As discussed therein, a problem solved by the present invention is the fact that a user of the device with a hidden key may remove the hidden key at some point, fail to return it to its hidden position, and then carry the portable device to a location away from the mechanical key without knowing that the mechanical key is missing. A person glancing at the key structure of Watanuki will readily see that the key, which is not completely hidden from view, is or is not in place. A user relying upon the LEDs of Walter likewise would not know if a key was or was not attached to the keyring 104. Further, any keys that are attached to the keyring 104 would be in plain view. In other words, the problem solved by the present invention cannot be solved by the combination proposed by the Examiner.

Neither Ruediger nor Luebke disclose a teaching or suggestion of a mechanical key; further, neither teach nor suggest a key retainer for retaining a mechanical key. Since each of the independent claims, as noted above, specifically recites these elements, and since neither Ruediger nor Luebke provide a teaching or suggestion of such elements, it is submitted that the combinations proposed by the Examiner in rejecting the claims under 35 U.S.C. §103 are inappropriate. Accordingly, the Examiner is respectfully requested to reconsider and withdraw

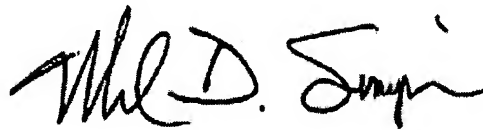
the rejection of claims 1-4, and 6 based on Walter and Ruediger, and claims 12-14 based on Walter and Luebke.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted,



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Date

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